

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

15-CR-143-V

DARRYL WILLIAMS,

DECISION AND ORDER

Defendant.

1. On May 17, 2018, the defendant, Darryl Williams, pleaded guilty to Count 3 of the second superseding indictment charging a violation of Title 21, United States Code, Section 846 (conspiracy to possess with intent to distribute and conspiracy to distribute 5 kilograms or more of cocaine). Docket Item 217.

2. On May 17, 2018, the Honorable H. Kenneth Schroeder, Jr., United States Magistrate Judge, filed a Report & Recommendation recommending that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty. Docket Item 533.

3. This Court has not received objections to the Report & Recommendation in accordance with Title 28, United States Code, Sections 636(b)(1) and Rule 59(b) of the Federal Rules of Criminal Procedure, and the time to object now has expired.

4. This Court has carefully reviewed *de novo* Judge Schroeder's Report & Recommendation (docket item 533), the plea agreement (docket item 532), the second superseding indictment (docket item 217), a transcript of the digital FTR recording of the plea proceeding (docket item 595), and the applicable law. This Court finds no legal or factual error in Judge Schroeder's Report & Recommendation and

therefore adopts Judge Schroeder's recommendation that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty of Count 3 of the second superseding indictment.

IT IS HEREBY ORDERED that this Court adopts Judge Schroeder's May 17, 2018 Report & Recommendation, Docket Item 533, in its entirety, including the authorities cited and the reasons given therein, and it is further

ORDERED that the Court accepts the defendant's plea of guilty and defers acceptance of the plea agreement pursuant to Sentencing Guidelines Section 6B1.1(c), and the defendant, Darryl Williams, is now adjudged guilty under Title 21, United States Code, Section 846.

SO ORDERED.

Dated: August 28, 2018
Buffalo, New York

s/Lawrence J. Vilardo
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE